

1 LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.

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FILED
DISTRICT COURT OF GUAM

NOV 29 2007 2:35

JEANNE G. QUINATA
Clerk of Court

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF GUAM

12 UNITED STATES OF AMERICA,)

CRIMINAL CASE NO. CR-07-00075

13 Plaintiff,)

14 vs.)

DECLARATION OF COUNSEL IN
SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL FOR
DEFENDANT

15 NATHANIEL DIAZ PUNZALAN,)

16 Defendant.)

17 I, CYNTHIA V. ECUBE, ESQ. , hereby depose and state as follows :

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19 1. I am the Court-appointed Attorney of Record on behalf of Defendant in the above-
20 entitled criminal matter pending in the District Court of Guam;

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22 2. I make these statements based upon personal knowledge, except for those matters
23 based upon information and belief, and if called to testify, could competently testify thereto;

24 3. That based upon my review of the file and brief discussions with the Defendant in
25 this case, there exists a potential conflict of interest.

26 4. Having reviewed the pleadings in discovery materials, one of the key witnesses that may
27 be testifying in this case is Marshal Roland Okada. The undersigned counsel represents Mr. Okada's
28 family on a number of legal matters and had also provided legal consultation to Mr. Okada. The
29 undersigned continues to provide and render legal assistance to Mr. Okada and his family when

1 requested. Moreover, the undersigned has a close personal relationship with Mr. Okada and his family.

2 5. Additionally, after briefly consulting with the Defendant in this case, Mr. Punzalan
3 has indicated that he is unwilling to accept a plea agreement and desires to move forward with trial in
4 his case. The undersigned's acceptance of this appointment may present a conflict of interest with Mr.
5 Okada as a witness on behalf of the government and create an undue hardship regarding the existing
6 familia relationship between the undersigned and with Mr. Okada based upon the foregoing
7 representations.

8 6. That based upon the foregoing statements, the undersigned counsel respectfully requests
9 that the Court appoint new counsel on behalf of Defendant, herein.

10 Dated this 28th day of November, 2007.

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14 By: 

15 CYNTHIA V. ECUBE, ESQ.
16 Attorney for Defendant
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